

AMENDMENTS TO THE DRAWINGS:

Applicants enclose with this amendment a Replacement Sheet which corrects Figure 1. The drawing now properly identifies the guide wire receiving member 42 with an appropriate lead line. This sheet of drawings replaces the formal drawings submitted on April 21, 2004.

REMARKS

This Amendment is made in response to the Office Action dated June 5, 2007, the response for which is due on or before September 5, 2007. Claims 1-9, 18 and 24-36 are pending in this application. Previously, claims 2 and 5-7 were withdrawn from consideration in view of Applicants' Election of Species. By this Amendment, claims 1, 18 and 26 have been amended to better define the presently claimed invention. Claims 3, 27, 32 and 38 were amended to correct claim language. New claims 40-46 are being submitted for consideration. Favorable consideration of all of the pending claims is respectfully requested.

A corrected drawing of Figure 1 is being submitted herewith to show the proper identification of the guide wire receiving member 42. It is believed that this is the only drawing which requires correction.

Claims 3, 26, 27 and 32 were objected to due to informalities concerning the claim language and structure defined in these claims. Appropriate amendments have been made to these claims to address these informalities.

Claims 1, 3, 4, 8 and 9 were rejected under 35 U.S.C. 112, first and second paragraphs due to the inclusion of the phrase "the outer member having a distal opening in communication with the guide wire receiving member." Applicants have amended the claims to overcome the Examiner's rejection. Applicants respectfully request the Examiner to withdraw the rejections based on 35 U.S.C. 112, first and second paragraphs.

Claims 1 and 25-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 5,792,144 to Fischell (the "Fischell patent"). Applicants have amended the claims to include an anti-rotation component formed on the outer member which extends into the inner member to abut against a portion of the inner member to permit axial movement but prevent rotational

movement between the outer member and inner members. Applicants note that the Fischell patent includes a slot 62 formed on the outer sheath 61 which slides along a key 67 formed on the inner catheter. This arrangement helps to prevent the sheath 61 from rotating about the dual-lumen tube 63. However, the anti-rotation component of the presently defined invention eliminates the need for an radially extending key 67 to be formed on the inner member which can reduce the overall profile of the composite catheter. The anti-rotation component recited in the present claims extends into the lumen of the outer catheter member to abut against a portion of the inner catheter member to prevent rotation between the outer and inner members. Accordingly, the anti-rotation component of the presently claimed invention is patentable distinct from the Fischell device. Applicants respectfully request the Examiner to withdraw the anticipation rejection to these claims.

Claim 18 was rejected under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 6,254,609 to Vrba (the "Vrba patent"). Applicants have amended claim 18 to indicate that the outer Nylon layer is bonded to the inner layer of polyimide. Applicants note that the Vrba patent shows the use of two sheaths which are specifically designed to slide relative to each other. The two sheaths are not bonded together and it is not desired to bond the sheaths together. Accordingly, the Vrba patent fails to show the structure now recited in claim 18.

Claims 3, 4, 24, 33 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fischell patent in view of U.S. Patent No. 6,736,839 to Cummings (the "Cummings patent"). Claims 8, 9, 35 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fischell patent in view of U.S. Patent No. 6,019,778 to Wilson (the "Wilson patent") and further in view of the Vrba patent. It is noted that the Cummings, Wilson and Vrba patents fail to disclose an anti-rotation component which extends into the lumen of the outer catheter member to prevent rotation of the outer catheter member relative to the inner catheter member. Therefore, the combinations of these patents with the

Fischell patent fails to achieve the basic structure recited in these claims. Applicants respectfully request the Examiner to withdraw the obviousness rejections of the claims.

New claims 40-46 also include the recitation of an outer catheter member which includes the anti-rotation component described above. Accordingly, Applicants submit that these claims are patentably for at least the same reasons described above.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional fee or credit any overpayment to our Deposit Account No. 06-2425.

Respectfully submitted,
FULWIDER PATTON LLP

By: /Thomas H. Majcher/
THOMAS H. MAJCHER
Registration No. 31,119

193742.1